

APR 20 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PETER SANTOS MURILLO,

Defendant - Appellant.

No. 07-30044

D.C. No. CR-05-02118-WFM

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of Washington
Wm. Fremming Nielsen, Senior District Judge, Presiding

Submitted April 13, 2009^{**}

Before: GRABER, GOULD, and BEA, Circuit Judges.

Peter Santos Murillo appeals from the district court's order denying his motion to suppress, following which he entered pleas of guilty to possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 924(c)(1)(A), and possession of a firearm by a prohibited person, in violation of 18 U.S.C. § 922(g)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Murillo contends that the district court erred when it denied his motion to suppress because the challenged evidence was obtained during a warrantless search of his vehicle that did not occur incident to his arrest. The district court did not err because the officers had probable cause to search the vehicle. *See United States v. Ross*, 456 U.S. 798, 808-09 (1982).

Murillo also contends that, even if the search was valid, the evidence should be suppressed because the search was overly invasive and went beyond the scope of a permissible search. Because the officers had probable cause to search the vehicle, the district court did not err. *See id.* at 825.

AFFIRMED.